

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vogel et al.
Title: CLOSURE FOR A CONTAINER
Appl. No.: 10/764,819
Filing Date: 1/26/2004
Examiner: NICOLAS, FREDERICK C.
Art Unit: 3754
Conf. No.: 6890
Atty. Dkt. No. 028757-0143

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Your Petitioner, Gateway Plastics, Inc., having its principal place of business at 5650 West County Line Road, Mequon, Wisconsin 53092, represents that it is the owner of the entire right, title, and interest in and to the present Application (U.S. Patent Application Serial No. 10/764,819, filed January 26, 2004, by virtue of an Assignment filed and recorded on October 1, 2004 at Reel/Frame 015208/0462 in the United States Patent and Trademark Office.

Your Petitioner also represents that it is the owner of U.S. Patent No. 6,691,901, which issued on February 17, 2004 based on U.S. Patent Application No. 10/020,581, filed December 14, 2001, by virtue of an Assignment filed and recorded on March 28, 2002 at Reel/Frame 012758/0908 in the United States Patent and Trademark Office.

Your Petitioner, Gateway Plastics, Inc., hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,691,901 and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,691,901 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,691,901 as defined in 35 U.S.C. §§ 154-156 and 173, in the event that U.S. Patent 6,691,901 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 U.S.C. § 154, prior to the full statutory term of U.S. Patent 6,691,901 as defined in 35 U.S.C. §§ 154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,691,901, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§ 155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

* * *

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that to the best of his

knowledge and belief, legal title to the above identified patent application and U.S. Patent No. 6,691,901 rests with Petitioners, Gateway Plastics, Inc.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 10/23/2006 By /Adam M. Gustafson/

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